

WEAPONS AND SPECIAL EQUIPMENT

9452

(February 2002)

All field level fire prevention peace officers with primary law enforcement response will wear their weapon, equipment and accessories while on duty. All other peace officers will have their weapon, equipment and accessories readily available while on duty.

Peace officers are authorized by law to use reasonable force to make an arrest, to prevent an escape, or to overcome resistance of a person they have lawful authority to arrest. The various statutes do not require that peace officers carry firearms; rather, they exempt peace officers from complying with the limitations placed upon the general public regarding the use of concealed weapons and destructive devices.

Peace officers of the Department have at their disposal a variety of weapons that may be used in the performance of their duties. Each peace officer will use only those weapons that the officer is authorized to use and must individually bear the burden under any given situation of using only that degree of force necessary and reasonable to enforce the law pursuant to the Department's enforcement policies.

Peace officer designations under the authority of PRC Section 4156 are made in part to protect employees so designated from suits for trespass, false arrest, and the like, but they do not automatically carry with them the right to use firearms except in accordance with the law and the following regulations.

HANDCUFFS

9452.1

(February 2002)

Each CDF peace officer that wears a sidearm will wear a pair of handcuffs. Some undercover assignments may require the officer to not carry handcuffs. These assignments will be identified and approved by the Incident Commander.

SHOTGUN ISSUANCE

9452.2

(February 2002)

All CDF PC 830.2 peace officers with field law enforcement duties assigned to fire prevention, battalion coverage, investigation, state forest patrol, and forest practice enforcement, shall be provided with a shotgun. Other CDF PC 830.2 peace officers assigned to staff or other functions will have a shotgun cache available for their use.

Other CDF PC 830.2 peace officers may be issued and carry a shotgun with Unit or Staff Chief's written approval.

A peace officer who checks out a shotgun from the cache shall secure the weapon in an approved fashion. Installation of approved locking devices should be considered for vehicles that might be utilized by peace officers issued a cache weapon.

TACTICAL RIFLE ISSUANCE

9452.3

(No. 5 May 2005)

All CDF PC 830.2 peace officers with field law enforcement duties assigned to fire prevention, investigation, and state forest patrol shall be provided with a tactical rifle.

Other CDF PC 830.2 peace officers may be issued and carry a tactical rifle with Unit or Staff Chief's written approval.

In the event that a peace officer assigned to a function not listed in 9452.3, and/or no longer has the Unit or Staff Chief's written approval, the tactical rifle shall be returned to the Academy's Law Enforcement Division within 30 days.

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TACTICAL RIFLE USE POLICY

9452.3.1

(No. 2 August 2003)

Officers will deploy the tactical rifle in response to situations that exhibit a need, or potential need, for superior firepower to be used against suspect(s) that may be armed and dangerous.

SPECIALIZED WEAPON POLICY

9452.4

(February 2002)

Use of specialized weapons (any type weapon not listed within the 9400 Law Enforcement Handbook) may only be allowed if fully justified for recognized operational needs and officer safety requirements. Approval for use of specialized weapons must be made in writing, with necessary justifications to the Unit or Staff Chief. If endorsed by the Unit or Staff Chief, the request will be forwarded to the Region Chief or Deputy Director, or their designee, for final approval. Use of any specialized weapon will not be authorized until approval is received, in writing, from the Region Chief or Deputy Director, or their designee ([see Weapon Authorization Request](#)). Any authorized use of specialized weapons will require the employee to exhibit proficiency in the handling of the weapon on a CDF approved course of fire certified by the Director of Law Enforcement Training.

FIREARMS MAINTENANCE

9452.5

(February 2002)

All firearms maintenance shall be the responsibility of the officer. Should any condition be found requiring repair or professional attention, the officer shall immediately make the arrangements for repair by a certified armorer or repair facility. Officers shall thoroughly clean their firearms after being fired. The officer shall perform a safety inspection of their assigned firearms at the beginning of each duty shift. This inspection will take place in a safe location.

It is the officer's responsibility to have assigned weapons inspected on an annual basis by factory certified armorer.

SECURE WEAPONS

9452.6

(No. 2 August 2003)

When not being worn or in the immediate possession of a peace officer, weapons must be secured from theft or handling by unauthorized persons. Firearms left in a vehicle will be secured in a locking compartment or rack that is secured to the vehicle and can only be opened electronically or with a key other than the ignition or door key. Vehicle storage for the tactical rifle shall prevent the bolt from moving and shield the trigger and safety from access. At CDF stations and offices, weapons, when not being worn or in the immediate possession of a peace officer, will be locked in a desk, locker, or safe. Regular issued state locks will not be used to secure storage of weapons in CDF facilities or in state vehicles. All CDF peace officers will follow weapon security guidelines and applicable state laws when entering CDC, CYA, or other inmate/ward facilities. Weapon security measures during incident base operations will be strictly adhered to. When surrendering a peace officer's vehicle for use by a non-peace officer, weapons and ancillary equipment will be removed.

While at home or off duty, each employee shall ensure that reasonable measures are taken to minimize the accessibility of firearms. Per Penal Code Section 12035(b), felony charges can be filed against an employee if a minor gains access to and discharges a firearm causing great bodily harm and/or death to himself/herself and/or another due to the employee's failure to use reasonable measures to secure the weapon. Refer to PC 12035(b) for information regarding the definition of reasonable measures.

Any weapon issued or authorized to a peace officer that is lost, damaged, or stolen shall be reported to the employee's supervisor, and the unit law enforcement coordinator immediately upon discovery.

MARKED VEHICLE, WEAPON STORAGE

9452.6.1

(No. 2 August 2003)

Tactical rifles, shotguns and/or specialized weapons will be mounted in a commercially manufactured locking device. The locking device shall be firmly secured to the vehicle in such a manner as to allow easy access to the weapon by either the passenger or driver officer, and allow the weapon to be removed from the vehicle in a safe manner. Vehicle storage for the tactical rifle shall prevent the bolt from moving and shield the trigger and safety from access.

UNMARKED VEHICLE STORAGE

9452.6.2

(No. 2 August 2003)

When using unmarked department vehicles, personnel will store the shotgun, tactical rifle, and/or specialized weapon in a commercially manufactured locking device placed in an inconspicuous location or the trunk.

When using non-department owned unmarked vehicles (i.e. rental vehicles), shotguns, tactical rifles, and/or specialized weapons will be locked and secured, out-of-sight and stored in a manner to prevent access by unauthorized individual(s). If stored in a locking gun case the case shall be secured to the vehicle

STORAGE AND SAFETY

9452.6.3

(No. 1 May 2002)

All weapons will be handled, stored, and transported in a safe manner. **AT ALL TIMES, ALL WEAPONS WILL BE HANDLED AS THOUGH THEY ARE LOADED AND CAPABLE OF FIRING.** The following minimum standards will be followed:

- A. Weapons authorized and issued under the provisions of [9452.2](#) or [9452.3](#):
 - 1. Only those weapons that are being carried, stored, or transported, for immediate law enforcement use and in accordance with the provisions of [9452.6](#), shall be loaded with live ammunition. The magazine shall be full, the chamber of the weapon shall be CLEAR, and the safety will be ON.
 - 2. The chambering of a live round and having the safety in the OFF position, shall only occur when the peace officer is acting in an official capacity under the provisions of [9452.7](#).

- B. Weapons authorized and issued under the provisions of [9452.4](#), [9456.1](#), [9456.1.1](#), [9456.2](#) or [9456.3](#):
- Only those weapons that are being carried, stored, or transported for immediate law enforcement use and in accordance with the provisions of [9452.6](#), shall be FULLY loaded with live ammunition and the safety will be ON.
- C. Weapons that are being stored or transported, that are NOT for immediate law enforcement use, shall have the action open or be in a commercial gun case or box, the magazine(s) EMPTY and the chamber(s) CLEAR and the safety(ies) ON. This shall include all weapons stored in inventory safes and weapons caches or transported without a Section 9452.6 locking device.

DISCHARGE OF FIREARMS

(February 2002)

9452.7

Peace officers appointed by the Director will not discharge firearms in the performance of their duties except under the following circumstances and only if all other means fail:

1. In necessary defense from death or serious injury of another person.
2. In the necessary defense of the officer from death or serious injury.
3. To effect the arrest, prevent the escape of a felony suspect, or recapture an escaped felony suspect when other means have failed; the crime for which the arrest is sought involved the use or threatened use of deadly force, or there is substantial risk that the person whose arrest is sought will cause death or serious bodily harm if their apprehension is delayed.
4. To kill a dangerous animal or one that requires removal from further suffering when other disposition is impractical.
5. To give alarm or to call assistance for an urgent and important purpose when no other means can be used.
6. For training and qualification at a firearms range under the supervision of rangemaster.

RESTRICTED DISCHARGE OF FIREARMS

9452.7.1

(February 2002)

Firearms will not be discharged under the following circumstances:

1. As a warning to suspects that they should stop.
2. At moving or fleeing vehicles unless the circumstances come within the provisions of Section 9452.7, Items 1, 2, and 3.

REPORT OF FIREARMS USE

9452.8

(February 2002)

When a peace officer discharges a firearm, accidentally or in the performance of duty, the employee's Duty Chief will be notified immediately.

NOTE: This does not apply during weapons training or qualification.

The officer who discharged the firearm will file a written report of circumstances relating to the discharge with the Region Chief within 24 hours or sooner if requested.

If the officer who discharged the firearm is incapable, because of injury, of filing the required written report, the officer's supervisor will be responsible for filing the report.

FIREARMS DISCHARGE INVESTIGATION

9452.9

(February 2002)

The Director or designee in consultation with the Unit Chief and the Region Chief will determine the responsibility for investigation of a firearm discharge.

If it is determined that an out-of-Unit investigation team will conduct the investigation, the team will include personnel that are experts in the necessary fields to conduct the investigation (i.e., photography, interviewing, weapons, etc.). A CDF peace officer will be assigned as a liaison to other agencies with jurisdiction.

FIREARMS DISCHARGE REVIEW BOARD

9452.9.1

(February 2002)

The Director may form a Firearms Discharge Review Board. The review board will review the incident investigation report and may call witnesses if necessary. The review board will provide recommended actions to the Director.

OFFICER INVOLVED SHOOTINGS

9452.9.2

(February 2002)

An officer discharging their firearm against a person or that result in injury or death to a person is considered an officer involved shooting. The Department will investigate all officer-involved shootings.

SUPERVISOR NOTIFICATION

9452.9.2.1

(February 2002)

The peace officer shall notify their supervisor as soon as practical of the discharge of a weapon against a person.

RELEASE OF WEAPON AFTER DISCHARGE

9452.9.2.2

(February 2002)

A CDF peace officer who discharges a weapon that results in injury or death of a person shall not release the weapon to anyone who is not a peace officer. The supervisor, or designee, will immediately respond to the shooting incident. The supervisor, or designee, will take charge of the weapon, holster, and ammunition. The peace officer will be issued replacement equipment at the time the items are released to the supervisor, or designee, unless the peace officer has been arrested for the incident.

If the peace officer is a criminal suspect in the incident, the officer shall release the weapon to the agency having investigative jurisdiction.

SUPERVISORS ROLE IN SHOOTING INVESTIGATION

9452.9.2.3

(February 2002)

After the supervisor, or designee, has received the weapon, ammunition, and holster the items will be turned over to the agency having jurisdiction of the investigation, after notification to the Deputy Chief of Law Enforcement. The supervisor, or designee, will be an active participant in the investigation of the incident. The supervisor, or designee, will provide whatever assistance to the peace officer as needed.

BOARD OF INQUIRY

9452.9.2.4

(February 2002)

The Director or designee shall appoint a Board of Inquiry. The purpose of this board shall be to determine all the pertinent facts and circumstances relating to each shooting incident. The board shall not be responsible for recommending disciplinary action.

BOARD OF INQUIRY MEMBERSHIP

9452.9.2.5

(February 2002)

The board shall consist of five members, none of whom were involved in the incident. One shall be the Deputy Chief of Law Enforcement or designee and shall be the chairperson of the board. One shall be the Department's Director of Law Enforcement Training or designee and shall be the vice-chairperson of the board. One shall be a CDF peace officer that holds a POST Supervisor or Manager Certificate and that is not the involved peace officer's supervisor. One shall be a peace officer from another law enforcement agency not involved in the investigation. One shall be any person selected by the involved peace officer.

LOCATION OF HEARING

9452.9.2.6

(February 2002)

The Chairperson shall select the hearing location and may request the appearance of witnesses. The Chairperson shall provide copies of all available reports and relevant information to each board member prior to convening the Board of Inquiry.

BOARD OF INQUIRY REPORT

9452.9.2.7

(February 2002)

Following its deliberations, the board shall prepare a report to the Director, detailing the facts and circumstances surrounding the incident and its opinion as to whether the discharge conformed to law and Department policy. The report shall also include the board's comments and recommendations, excluding disciplinary action, as they relate to training, procedure, equipment, and policy.

OFFICER NOTIFICATION OF FINDINGS

9452.9.2.8

(February 2002)

The Deputy Chief of Law Enforcement within ten working days shall notify the subject(s) of the inquiry in writing after receipt of the report from the Board of Inquiry as to the official Department finding of the incident.

OTHER MEANS OF FORCE

9452.10

(February 2002)

A majority of the time, command presence and officer control is adequate during violator contacts. On the occasions when the officer uses less than lethal physical force, an appropriately documented narrative will be required. The level of documentation will depend on the level of force used. Simple physical restraint or control holds require a written report. Baton use, chemical agent use, or other physically debilitating contact shall require a detailed written report and supervisor notification. Photos or other visual documentation of any injuries or lack of injuries shall be made. A special note shall be made as to the physical injuries sustained by the violator or the officer, as well as any medical attention sought or provided. Special attention should be given to the time frames involved with the physical encounter and the medical attention given.

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)